

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

TYQUAN FOSTER,

Plaintiff,

v.

T. CAMPBELL,

Defendant.

No. 1:23-cv-01779-KES-EPG (PC)

ORDER ADOPTING
FINDINGS AND RECOMMENDATIONS
TO DISMISS ACTION WITH PREJUDICE
FOR FAILURE TO STATE A CLAIM

Doc. 18

Plaintiff Tyquan Foster is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This matter was referred to a United States magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

Plaintiff filed the complaint commencing this action on December 18, 2023. Doc. 1. The assigned magistrate judge screened the complaint on May 1, 2024, found that plaintiff did not state any cognizable claims, provided relevant legal standards, and granted plaintiff leave to amend the complaint. Doc. 12. Plaintiff then filed a first amended complaint on June 3, 2024. Doc. 14. In his first amended complaint, plaintiff appears to claim that certain officers retaliated against him by filing a false rules violation report and that his due process rights were violated. *Id.* The assigned magistrate judge screened plaintiff's first amended complaint on June 27, 2024,

1 found that the amended complaint again failed to state any cognizable claim and recommended
2 that the case be dismissed without further leave to amend. Doc. 18 at 8-9. Plaintiff has not filed
3 objections to the findings and recommendations, and the time to do so has passed.

4 In accordance with the provisions of 28 U.S.C. § 636(b)(1), this court has conducted a de
5 novo review of the case. Having carefully reviewed the file, the court concludes that the
6 magistrate judge's findings and recommendations are supported by the record and by proper
7 analysis.

8 Accordingly, IT IS HEREBY ORDERED:

- 9 1. The findings and recommendations issued on June 27, 2024, Doc. 18, are adopted in
10 full;
11 2. This action is dismissed, with prejudice, due to plaintiff's failure to state a claim; and
12 3. The Clerk of the Court is directed to close this case.

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15 IT IS SO ORDERED.

16 Dated: August 22, 2024



UNITED STATES DISTRICT JUDGE